

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

HERBERT W. MOORE,

Plaintiff,

v.

BRAD LIVINGSTON, ET AL.,

Defendants.

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CIVIL ACTION NO. H-06-2135

ORDER

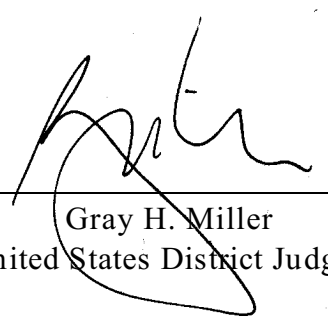
Plaintiff Herbert W. Moore, a state inmate proceeding *pro se* and *in forma pauperis*, requests preliminary injunctive relief in this civil rights lawsuit to order prison officials to provide him with sufficient indigent legal supplies. (Docket Entry No. 11.) Plaintiff complains that the failure of prison officials to provide adequate indigent supplies is delaying his ability to pursue legal recourse, and violates his constitutional right of access to courts.

To obtain a preliminary injunction, a plaintiff must show (1) a substantial likelihood of success on the merits, (2) a substantial threat that plaintiff will suffer irreparable injury if the injunction is not granted, (3) that the threatened injury outweighs any damage that the injunction might cause the defendant, and (4) that the injunction will not disserve the public interest. A preliminary injunction is an extraordinary remedy and should be granted only if the plaintiff has clearly carried the burden of persuasion on all four requirements. *Planned Parenthood of Houston and Southeast Tex. v. Sanchez*, 403 F.3d 324, 329 (5th Cir. 2005).

A review of the plaintiff's pleadings and exhibits shows that there is no substantial threat that plaintiff will suffer irreparable injury regarding this lawsuit if an injunction is not granted ordering prison officials to provide, and to continue providing, all indigent supplies requested by plaintiff. Further, plaintiff does not show a substantial likelihood of success on the merits of this lawsuit. Accordingly, plaintiff's request for preliminary injunctive relief (Docket Entry No. 11) is **DENIED**.

The Clerk will provide a copy of this order to the parties.

Signed at Houston, Texas, on August 28, 2006.



Gray H. Miller
United States District Judge